

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ADRIAN MOSQUEDA,

Petitioner,

v.

FRANCISCO JACQUEZ, Acting Warden,
Respondent.

No. C 09-03848 CW (PR)

ORDER DIRECTING CLERK OF COURT
TO TERMINATE ACTION

Pursuant to the notice of voluntary dismissal of this action filed by Petitioner on September 22, 2009, this action is terminated. See Fed. R. Civ. P. 41(a)(1); Hamilton v. Shearson-Lehman American Exp. Inc., 813 F.2d 1532, 1534-1536 (9th Cir. 1987) (Rule 41(a)(1)(I) does not require leave of court to dismiss the action). The dismissal is without prejudice. See Fed. R. Civ. P. 41(a)(1) (unless the notice of dismissal states otherwise, it is deemed to be "without prejudice"); Humphreys v. United States, 272 F.2d 411, 412 (9th Cir. 1959).

The Clerk of the Court shall close the file. All pending motions are terminated. No filing fee is due.

IT IS SO ORDERED.

Dated: 10/22/09


CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

RONALD A SHAFFER,

Plaintiff,

v.

BEN CURRY et al,

Defendant.

Case Number: CV08-01130 CW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 22, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Ronald A. Shaffer F00693
Correctional Training Facility
C-OW-109
P.O. Box 689
Soledad, CA 93960

Dated: October 22, 2009

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk

United States District Court
For the Northern District of California